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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,334	03/12/2001	Daniel Gasser	33389	1149

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EXAMINER

COLLINS, SCOTT M

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,334

Applicant(s)

GASSER ET AL.

Examiner

Scott M. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/10/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment and Information Disclosure Statement on 12/10/2004.
3. All claim rejections under 35 U.S.C. 101 and 35 U.S.C. 112 have been withdrawn in response to applicant's amendments. All previous claim objections have been withdrawn in response to applicant's amendments.

Claim Objections

4. Claim 1 is objected to because of the following informalities: "administration(s) unit" should be "administration unit(s)". Appropriate correction is required.

Response to Arguments

5. Applicant's arguments filed 12/08/2005 have been fully considered but they are not persuasive. Applicant has made numerous claim amendments, but the claims are still directed to a standard client-server setup that delivers product information to a user. Applicant's arguments merely recite the claim limitations, state that the Hartman reference does not teach them, and then proceeds to interpret what Hartman does teach. In doing this, Applicant does not explain how their invention differs from Hartman, but instead only discusses their interpretation of Hartman. Even after the numerous claim amendments, the Examiner still understands applicant's invention to be claiming to do nothing more than that which Hartman teaches. In response to the arguments regarding claims 1, 5, 7, and 11, the Examiner acknowledges Applicant's interpretation of the Hartman reference and stands on the rejection in view of Hartman (as presented below). For clarification, the Examiner understands the claimed

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administration unit(s), visualization unit(s), and media elements to respectively be server(s), client(s), and product information.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Hartman, European Patent Application Number 98117261.2; EP 0902381 A2 (herein referred to as Hartman).

8. Referring to claims 1 and 15, Hartman has taught a system and method for the visualizing information, in particular product information, at selected visualization locations by organizing and controlling visualization content from administration locations, the visualization locations differing from the administration locations (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15), comprising:

- a. one or more administration unit(s) located at the administration locations, comprising data storage means (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15 where an administration unit is understood to be Hartman's server);
- b. one or more visualization unit(s) located at the visualization locations, comprising data storage means and display means (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15 where an administration unit is understood to be Hartman's client);

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- c. the visualization unit(s) being configured to carry out the visualization automatically by repeatedly playing back predetermined media elements representing the product information (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15);
 - d. the administration unit(s) being configured to organize and maintain in readiness said media elements and administrative information representing at least one of a sequence in or time at which said media elements are to be displayed (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15);
 - e. the administration unit(s) being configured to, upon receiving an update inquiry from the visualization unit(s), automatically collect and transmit to the visualization unit(s) at least one of said media elements and said administrative information (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15).
9. Referring to claim 2, Hartman has taught the system wherein the administration units communicate as Internet suppliers as a server and wherein the visualization unit(s) are terminals configured as clients and these clients being units for automatically obtaining and processing the data provided by the servers are assigned to one or more servers (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15).
10. Referring to claim 3, Hartman has taught the system wherein the servers are service provider servers and the clients are computer-assisted visualization installations at points of sale and that they exchange data through channels (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15 where the client computer 220 displays the visualization information and acts as a point of sale.).

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11. Referring to claim 4, Hartman has taught the system for the organization of the administration units, wherein the administration information is organized and maintained in readiness for the retrieval in the form of a fixed data model by means of linked tables (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15. It is not clear what applicant refers to by “linked tables”, but the web pages use linked tables to present the visualization information and the databases are sets of tables linked together and working cohesively.).

12. Referring to claims 5 and 17, Hartman has taught the system wherein the data model contains at least the tables for the definition of the channels, the definitions of the product program content, and the definition of the article master (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15).

13. Referring to claim 6, Hartman has taught the system wherein the server through a web outlet with a hierarchic structure are organized in such a manner, that for the clients – depending on the authorization – the data is released for downloading (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15).

14. Referring to claims 7-9, 11 and 12, Hartman has taught the method wherein a program association of Daemons in the form of program files, that a control daemon fed by a master application drives a publish daemon which drives a display daemon; a connection daemon; and a pull daemon; whereby the control daemon, the publish daemon, and the display daemon have a time-dependent starting function (Hartman figure 2, server engine 211; paragraph 15 where daemons are simply service programs running on the server that automatically respond to client requests – whether they be for displaying content, connecting to the client, or controlling the server’s actions as a whole. In addition, the responses are indeed time-dependent as they

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generally start within a short period of time after the client's request. Inherently, when a server engine responds to a web request, the server controller publishes/sends the displayable data across a connection. See also Hartman abstract, paragraphs 3, 7, and 8).

15. Referring to claims 10 and 16, Hartman has taught the system comprising at least one server for administering the administration unit(s) and at least one client serving as the visualization units wherein the client is configured to automatically request from the server in order to retrieve from the server the product information maintained in readiness for the visualization and in order to play it back (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15).

16. Referring to claim 13, Hartman has taught the data storage medium containing the program for the implementation of the method (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15).

17. Referring to claim 14, Hartman has taught the data storage medium containing the visualization unit (Hartman figure 2; abstract; paragraphs 3, 7, 8, and 15).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 571.272.3934. The examiner can normally be reached on Mon.-Fri. 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571.272.6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
May 27, 2005


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER